

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2148

Introduced by Assembly Member Jeffries

February 20, 2008

An act to amend ~~Section 14838 of~~ *Sections 14825, 14826, 14827, 14830, 14838, 14841, 14842, 14843, 14844, 14845, 14855, and 14860 of, to add Sections 14832 and 14833 to, to repeal Sections 14857, 14858, and 14859 of, and to repeal and add Section 14856 of,* the Health and Safety Code, relating to firefighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2148, as amended, Jeffries. Firefighters.

~~Existing law provides for the organization of fire companies in unincorporated towns and defines the powers and duties of these organizations. Existing law requires every organized fire company to adopt a seal, which is required to be under the control and use of the secretary of the company. Existing law requires the company's secretary to take a constitutional oath of office and give a bond as provided by the company's bylaws.~~

(1) Existing law permits fire companies in unincorporated towns to be organized by recording with the county recorder a certificate signed by the foreman or presiding officer and by the secretary.

This bill would instead permit fire companies in unincorporated towns to be organized by filing a certificate signed by the foreman or presiding officer and by the secretary, with the Fire and Rescue Operational Area Coordinator in the same county, or other county agency as designated by ordinance of the county board of supervisors.

(2) Existing law requires the certificate of organization of a fire company in an unincorporated town to include, among other things, the roll of active and honorary members.

This bill would instead, require the certificate to include the roll of active volunteer firefighters and those volunteer firefighters on leave.

(3) Existing law requires the certificate to be renewed and re-recorded every 6 months.

This bill would instead require the certificate to be filed by February 1 of each year. The bill would also authorize the board of supervisors to, by ordinance, require an updated or 2nd filing each year.

(4) Existing law requires every fire company to choose or elect a foreman, who is the presiding officer.

This bill would instead require every fire company to choose or elect a foreman or president, who would be the presiding officer.

(5) Existing law requires the chief of every fire company to inquire into the cause of and keep a record of every fire occurring in the town.

This bill would specify that either the chief or ranking officer of every fire company shall perform that duty.

(6) Existing law entitles the officers and members of unpaid fire companies regularly organized, and exempt firemen, to privileges and exemptions, including exemption from payment of poll tax, road tax, and head tax of every description, and exemption from military duty, except in case of war, invasion, or insurrection.

This bill would instead provide active volunteer firefighters of volunteer fire companies or departments regularly organized and recognized by the Fire and Rescue Operational Area Coordinator or the county board of supervisors are entitled to exemption from recertification fees and tuition charged by public entities for emergency medical or hazardous material certifications required by the state of California to serve or remain as a volunteer firefighter, as well as exemption from military duty, except in case of war, invasion, or insurrection. The bill would also provide that the burden of providing proof of eligibility for those exemptions shall be the responsibility of the volunteer firefighter with the reasonable cooperation of his or her department.

This bill would also authorize the city council of an incorporated city to, by ordinance, regulate the formation and continued existence of fire companies providing services within its city.

This bill would also require that fire company vehicles granted exempt California vehicle registration or displaying exempt California license

plates be properly insured, marked, and identified as a fire company vehicle. The bill would prohibit the fire company from allowing those vehicles to be loaned, rented, or used for personal pleasure or by for-profit businesses for private economic gain of a business or contractor. The bill would state that this limitation is not intended to prohibit or hinder the fire company's legitimate use of fire company vehicles for emergency services, including contract arrangements or agreements to provide temporary emergency services or standby services to organizations or governmental agencies requesting those services.

(7) Existing law declares that every firefighter who has served 5 years in an organized fire company in this state is an "exempt fireman" and provides requirements and procedures related to firefighters obtaining certain certificates regarding their status in the fire company.

This bill would delete those provisions.

This bill would also make technical, nonsubstantive changes to these and other related provisions.

*Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 14825 of the Health and Safety Code is*
2 *amended to read:*

3 14825. Fire companies in unincorporated towns may be
4 organized by ~~recording with the county recorder~~ *filing* a certificate
5 signed by the foreman or presiding officer and by the secretary,
6 *with the Fire and Rescue Operational Area Coordinator in the*
7 *same county, or other county agency as designated by ordinance*
8 *of the county board of supervisors.*

9 *SEC. 2. Section 14826 of the Health and Safety Code is*
10 *amended to read:*

11 14826. The certificate shall set forth the following matters:

12 (a) The date of organization.

13 (b) The name of the company.

14 (c) The names of the officers.

15 (d) The roll of active ~~and honorary members~~ *volunteer*
16 *firefighters and those volunteer firefighters on leave.*

17 (e) Where an ordinance has been adopted pursuant to Section
18 14831, a copy of the determination of the board of supervisors
19 pursuant to Section 14831.

1 *SEC. 3. Section 14827 of the Health and Safety Code is*
2 *amended to read:*

3 14827. The certificate shall be ~~renewed and re-recorded every~~
4 ~~six months~~ *filed by February 1 of each year. The board of*
5 *supervisors may, by ordinance, require an updated or second filing*
6 *each year.*

7 *SEC. 4. Section 14830 of the Health and Safety Code is*
8 *amended to read:*

9 14830. Every fire company shall choose or elect a foreman, *or*
10 *president*, who is the presiding officer, and a secretary and
11 treasurer.

12 *SEC. 5. Section 14832 is added to the Health and Safety Code,*
13 *to read:*

14 14832. *The city council of an incorporated city may, by*
15 *ordinance, regulate the formation and continued existence of fire*
16 *companies providing services within its city.*

17 *SEC. 6. Section 14833 is added to the Health and Safety Code,*
18 *to read:*

19 14833. *Fire company vehicles granted exempt California*
20 *vehicle registration or displaying exempt California license plates*
21 *shall be properly insured, marked, and identified as a fire company*
22 *vehicle. The fire company shall not allow those vehicles to be*
23 *loaned, rented, or used for personal pleasure or by for-profit*
24 *businesses for private economic gain of a business or contractor.*
25 *This limitation is not intended to prohibit or hinder the fire*
26 *company's legitimate use of fire company vehicles for emergency*
27 *services, including contract arrangements or agreements to provide*
28 *temporary emergency services or standby services to organizations*
29 *or governmental agencies requesting those services.*

30 ~~SECTION 1.~~

31 *SEC. 7. Section 14838 of the Health and Safety Code is*
32 *amended to read:*

33 14838. The secretary of every company having a seal shall
34 take the constitutional oath of office and give a bond as the bylaws
35 provide for the faithful performance of his or her duties.

36 *SEC. 8. Section 14841 of the Health and Safety Code is*
37 *amended to read:*

38 14841. The chief *or ranking officer* of every fire company shall
39 inquire into the cause *of*, and keep a record of, every fire occurring
40 in the town.

1 SEC. 9. Section 14842 of the Health and Safety Code is
2 amended to read:

3 14842. ~~He~~The chief or ranking officer shall aid in the
4 enforcement of all fire ordinances, examine buildings in process
5 of erection, report violations of ordinances relating to prevention
6 or extinguishment of fires, and when directed by the proper
7 authorities institute prosecutions therefor.

8 SEC. 10. Section 14843 of the Health and Safety Code is
9 amended to read:

10 14843. ~~He~~The chief or ranking officer shall perform ~~such~~ other
11 duties as may be by proper authority imposed upon him or her.

12 SEC. 11. Section 14844 of the Health and Safety Code is
13 amended to read:

14 14844. Every chief, if any, shall attend all fires with his or her
15 badge of office conspicuously displayed.

16 SEC. 12. Section 14845 of the Health and Safety Code is
17 amended to read:

18 14845. ~~He~~The chief or ranking officer shall prevent injury to,
19 take charge of, and preserve all property rescued from fires, and
20 return the property to its owner on the payment of the expenses
21 incurred in saving and keeping it.

22 SEC. 13. Section 14855 of the Health and Safety Code is
23 amended to read:

24 14855. ~~The officers and members~~ active volunteer firefighters
25 of ~~unpaid~~ volunteer fire companies or departments regularly
26 organized, ~~and exempt firemen~~, and recognized by the Fire and
27 Rescue Operational Area Coordinator or the county board of
28 supervisors are entitled to the following privileges and exemptions:

29 (a) Exemption from ~~payment of poll tax, road tax, and head tax~~
30 ~~of every description~~ recertification fees and tuition charged by
31 public entities for emergency medical or hazardous material
32 certifications required by the state of California to serve or remain
33 as a volunteer firefighter.

34 (b) Exemption from military duty, except in case of war,
35 invasion, or insurrection.

36 SEC. 14. Section 14856 of the Health and Safety Code is
37 repealed.

38 14856. ~~Every fireman who has served five years in an organized~~
39 ~~fire company in this State is an “exempt fireman,” and shall receive~~

1 ~~from the chief of the company to which he belonged a certificate~~
2 ~~to that effect.~~

3 *SEC. 15. Section 14856 is added to the Health and Safety Code,*
4 *to read:*

5 *14856. The burden of providing proof of eligibility for the*
6 *privileges and exemptions of Section 14855 shall be the*
7 *responsibility of the volunteer firefighter with the reasonable*
8 *cooperation of his or her department.*

9 *SEC. 16. Section 14857 of the Health and Safety Code is*
10 *repealed.*

11 ~~14857. Every active fireman shall have a certificate of that fact~~
12 ~~signed by the chief of the company to which he belongs.~~

13 *SEC. 17. Section 14858 of the Health and Safety Code is*
14 *repealed.*

15 ~~14858. The certificates shall be countersigned by the secretary,~~
16 ~~and over the seal of the company, if one is provided.~~

17 *SEC. 18. Section 14859 of the Health and Safety Code is*
18 *repealed.*

19 ~~14859. Certificates of exemption may be issued by the clerk~~
20 ~~of the county over his official seal and signature and shall entitle~~
21 ~~the holder to exemption as an exempt fireman.~~

22 *SEC. 19. Section 14860 of the Health and Safety Code is*
23 *amended to read:*

24 *14860. Every officer of a fire company or department who*
25 ~~willfully~~ *willfully* *issues or causes to be issued any certificate of*
26 *exemption to a person not entitled to it, is guilty of a misdemeanor.*